

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

February 27, 2009

PSF No.: 09HD-012

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

**HAWAII**

Issuance of Right-of-Entry Permit to the University of California-Berkeley onto  
State Lands at Makeanehu, Kaihooa-Pahinahina, North Kohala, Hawaii, Tax Map  
Key: 3<sup>rd</sup>/ 5-8-01: 6 & 12; 5-9-03: 1 & 4; and 5-9-04: 8.

**APPLICANT:**

University of California at Berkeley, whose business and mailing address is 2251 College  
Building, Berkeley, CA 94720-1076.

**LEGAL REFERENCE:**

Sections 171-55, Hawaii Revised Statutes, as amended.

**LOCATION/ ZONE/ ENCUMBRANCE/ AREA:**

Portion of Government lands situated at Makeanehu, Kaihooa-Pahinahina, North Kohala,  
Hawaii, identified by Tax Map Key: 3<sup>rd</sup>/ 5-8-01: 6 & 12, 5-9-03: 1 & 4, and 5-9-04: 8, as  
shown on the attached map labeled Exhibit A.

TAX MAP KEY	DISTRICT	ZONING		ENCUMBRANCES	AREA (Acres)
		LUC	CZO		
3 <sup>rd</sup> / 5-8-01: 06	Makeanehu, N. Kohala	Agriculture	Agriculture	Revocable Permit No. S-7153; Parker Ranch	281.470
3 <sup>rd</sup> / 5-8-01: 12	Makeanehu, N. Kohala	Conservation/ Agriculture	Agriculture	Vacant	73.000
3 <sup>rd</sup> / 5-9-03: 01	Kaihooa-Pahinahina, N. Kohala	Conservation/ Agriculture	Agriculture	Vacant	535.153
3 <sup>rd</sup> / 5-9-03: 04	Kaihooa-Pahinahina, N. Kohala	Agriculture	Agriculture	General Lease No. S-5599; Ponohono Ranch	4,691.020
3 <sup>rd</sup> / 5-9-04: 08	Kokio-Kalala 2 <sup>nd</sup> , N. Kohala	Agriculture	Agriculture	General Lease No. S-5599; Ponoholo Ranch	394.230

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES \_\_\_\_ NO X

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-7153, to Parker Ranch, Permittee, for pastoral purposes.

Encumbered by General Lease No. S-5599, to Ponoholo Ranch, Lessee, for pastoral purposes. Lease to expire on February 22, 2020.

CHARACTER OF USE:

For investigation, study, and survey of prehistoric agriculture and habitation sites.

TERM OF RIGHT-OF-ENTRY:

For three (3) months, commencing on June 1, 2009 to August 31, 2009.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 5, Item No. 1 that states "Permission to enter State lands for the purpose of basic data collection, research, experimental management and resources evaluation activities such as archaeological survey, topographic survey, test borings for soil test, ground cover survey inspection of property for appraisal and development feasibility study purposes."

DCCA VERIFICATION:

Not applicable. Applicant is not required to register with the DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain written concurrences from Parker Ranch, Ponoholo Ranch, and all other users of the subject State lands.
- 2) Consult and coordinate all proposed archaeological survey activities with the State Historic Preservation Division.
- 3) Consult the Office of Conservation and Coastal Lands concerning a need to acquire any special permits to conduct archaeological survey activities on lands within the Conservation District.

REMARKS:

At its meeting of May 9, 2008, Item D-3, the Board of Land and Natural Resources approved as amended, the issuance of a Right-of-Entry Permit to the University of California-Berkeley for its archaeological survey project, which has been ongoing since July 2000.

By letter dated December 15, 2008, Dr. Julie S. Field, Assistant Professor, with the Department of Anthropology, Archaeological Research Facility, Ohio State University, on behalf of the University of California-Berkeley, requested a right-of-entry onto State lands at Makeanehu and Kaihooa to Pahinahina, North Kohala, Hawaii, Tax Map Keys: 3<sup>rd</sup>/ 5-8-01: 6 & 12, 5-9-03: 1 & 4, and 5-9-04: 8. Purpose of this request is to obtain permission to investigate the same parcels visited in 2008. The survey team encountered many archaeological features on these parcels, and was able to test and survey only a select number of sites due to time constraints. It is hoped that the survey team can revisit these parcels to conclude its tests and surveys. As in the past, the research/ survey work will be conducted for three months during the summer, commencing on June 1, 2009. It is anticipated that this will be the last summer of fieldwork associated with this project. The principal investigators are: Drs. Patrick Kirch (UC-Berkeley), Michael Graves (U New Mexico), Thegn Ladefoged (U Auckland), Shripad Tuljapurkar (Stanford), Peter Vitousek (Stanford), Oliver Chadwick (UC-Santa Barbara), and Kathy Kawelu (UH-Manoa). All work will be done in accordance with state regulations regarding survey, mapping, and excavation, and will produce a final report that summarizes the work done in the area to the State Historic Preservation Division. UC-Berkeley is in communication with OCCL, SHPD, and the Lessees of the State properties, to coordinate its proposed archaeological survey activities and schedule.

On January 12, 2009, the Office of Hawaiian Affairs, the Office of Conservation and Coastal Lands, and the State Historic Preservation Division were solicited for comments relating to the subject request.

The State Historic Preservation Division commented that it had no objections to the project. It has been kept apprised of the survey findings and has received a summary report of the 2008 field activities. SHPD believes that the research efforts of this group are beneficial and are providing new information on the settlement patterns and history of North Kohala and Hawaii Island. SHPD recommends that the Permittee be granted a right-of-entry permit.

The Office of Conservation and Coastal Lands commented that prior to work commencing, the applicant should apply for an approval from OCCL, pursuant to Section 13-5-22, P-1, Data Collection.

To date, no response was received from the Office of Hawaiian Affairs.

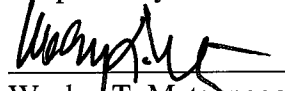
Staff is of the understanding that no entity involved intends to profit monetarily from its use, therefore, meets requirements for a waiver of rent.

RECOMMENDATION:

That the Board, subject to the Applicant fulfilling the Applicant Requirements above, authorize the issuance of a right-of-entry permit to the University of California-Berkeley and/or persons acting for or on its behalf, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:


1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
2. That Applicant comply with all requirements and conditions imposed by the State Historical Preservation Division in the event any sites or remains such as bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls are encountered;
3. Authorize the Chairperson to issue future right-of-entries to the Applicant in relation to its investigation, study, and survey of prehistoric agriculture and habitation sites purposes; and
4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
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Wesley T. Matsunaga  
Land Agent

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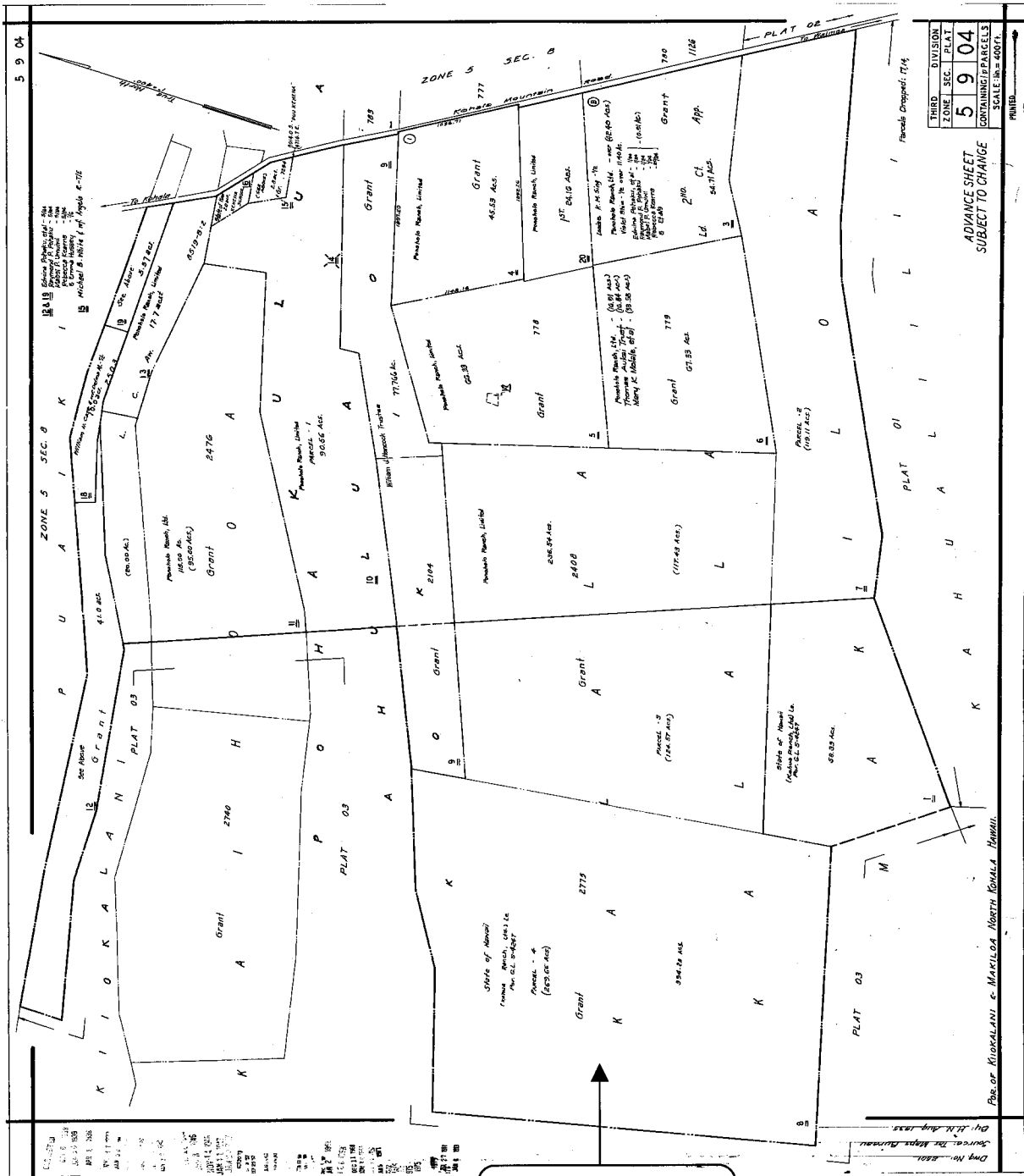
APPROVED FOR SUBMITTAL:

  
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Laura H. Thielen, Chairperson









SUBJECT

EXHIBIT A